

**MINUTES  
PLANNING COMMISSION  
TETON COUNTY, WYOMING  
April 25, 2022**

The regular meeting of the Planning Commission meeting was called to order at 6:01 PM in the Board of County Commission Chambers with Alex Muromcew, Chair, presiding.

**ROLL CALL:** Alex Muromcew, Devon Viehman, Sue Lurie (Absent: Kasey Mateosky, Karen Rockey)

**STAFF:** Chandler Windom, Rian Rooney, Ryan Hostetter, Chris Neubecker, Keith Gingery.

**APPROVAL OF MINUTES: 4/11/22**

**MOTION:** Viehman                      **SECONDED:** Lurie

**VOTE:** The vote showed 3 in favor. None opposed. The motion Passed

**ADOPTION OF AGENDA: 4/25/22**

**MOTION:** Viehman                      **SECONDED:** Lurie

**VOTE:** The vote showed 3 in favor. None opposed. The motion Passed.

**MATTERS FROM THE PUBLIC:** None

**OLD BUSINESS -** None

**NEW BUSINESS**

- Permit:**            [ZMA2022-0001 – Staff Report](#)  
**Applicant:**      COMUNIDAD LLC  
**Presenter:**      Rian Rooney  
**Request:**        Teton County will consider adoption of an amendment to the Teton County Official Zoning Map to rezone approximately 13.13 acres currently zoned Rural-3 (R-3) to Suburban (S-TC). This zoning map amendment is proposed by the Jackson Hole Community Housing Trust (applicant) on behalf of Comunidad LLC (owner).  
**Location:**       The property is located at 9550 S Henry's Road, adjacent to South Highway 89 and approximately 1.5 miles north of Hoback Junction. The property is within the Natural Resources Overlay.

**STAFF PRESENTATION:**

Rian Rooney, Senior Long-Range Planner – Introduced the application for a rezoning of the property from Rural-3 to Suburban. He described the location of the property; the property is bisected by a narrow parcel owned by the US Forest Service. About 30% of the site has slopes in excess of 30% slope. Applicants have indicated a desire to develop about 25 – 26 deed restricted affordable housing units on this site. The current application is only for the zoning, not the design or layout of the Development Plan. Staff analyzes all potential

allowed uses that could be implemented in the proposed Suburban zone. Staff has concern with the proposed zoning relative to the Comprehensive Plan; also, the Suburban zone does not require deed restricted housing.

Rooney reviewed the goals of the Comprehensive Plan, including moving development out of Rural Areas and into Complete Neighborhoods. This property is part of a rural subarea, with a Conservation form, and is not in a Complete Neighborhood. He reviewed the context of the Planning Director's recommendation. He reviewed the difference between Rural-3 and Suburban zoning. He described conditional zoning or placing conditions on the approval of the application. Staff recommends that if the Commission supports the rezoning application because of the potential for deed restricted affordable housing, then the Commission should recommend a condition of approval requiring said restrictions. Other restrictions could be on allowed uses of the property, density, or limiting scale of development. He described a separate application by the applicant (not on tonight's agenda) that would amend the Land Development Regulations to eliminate some of the public review process, including Sketch Plan, for deed-restricted affordable housing.

Rooney described feedback received from the Affordable Housing Department, Engineering Division, and the Teton County Conservation District.

Planning Director recommendation is for denial, due to incompatibility with the Comprehensive Plan.

Lurie – This rezoning is within the NRO and in a rural area. I have concerns about other uses that could be allowed on this site if the housing is not built. Want to ask about conditional zoning to Chief Deputy Attorney Gingery.

Gingery – We have done this at LVE (Lower Valley Energy). In Wyoming, the courts have not ruled on this question. He anticipates that the courts would probably support conditions if it were unilateral, but not a negotiation with applicant. People expect to know what could be developed next door to them, through zoning. Based on the Comprehensive Plan, the Director does not have much flexibility to recommend approval. But the BCC has legislative discretion. He described some of the conditions that the Planning Commission could recommend to the BCC if they choose to recommend approval.

Muromcew – Concerned that exempting Sketch Plan and Development Plan would remove the oversight role of the Planning Commission.

Rooney – Staff is comfortable to eliminate Sketch Plan review, but not Development Plan.

Muromcew – Is there an existing road cut onto the highway or road? (Rooney showed a map with the location of the road access.)

#### **APPLICANT PRESENTATION:**

Anne Cresswell, Executive Director, Jackson Hole Community Housing Trust – We are here to address the desperate need for affordable housing. This is the first time in my 19 years with this organization that we have had a dedication of land and funding to build affordable housing. Purpose of the LDRs to protect health, safety and welfare of the community. That's exactly what the future residents of this development do every day.

Alison Lee – Requesting rezone to build 100% deed restricted affordable housing for people that provide critical services to the community. She described how the rezoning addresses the Comprehensive Plan, including Ecosystem Stewardship. We have already investigated the water quality of the site with Jorgensen Engineering.

Developing on this site will reduce our carbon footprint by reducing commuting into the community. She described the location of the property, which is already disturbed due to many years of use. She described some of the amenities in the vicinity, including a grocery store at Hoback Junction, Munger Mountain School, START park and ride, and a community pathway.

Viehman – Do you know the estimated total square footage of the development?

Alison Lee – Each home would be about 1,800 sq. ft.

Muromcew – What if we go down this path, but construction costs make it not possible. What happens then?

Anne Cresswell – Before we spent donated money, we did significant research on the ability to provide advanced water quality systems. But if we get farther along and determine that costs are excessive for development, we would return the property to an R-3 zone and extinguish the affordable housing covenant.

Muromcew – The donator has restricted who can live at this site. Is that normal for the Community Housing Trust projects?

Cresswell – These are the only terms governing the gift.

Gingery – Described how similar conditions have been used at a previous project, LVE.

Cresswell – The Housing Trust is the developer. Upon finishing the project, we would sell the units.

Amberley Baker – Described the organizations that would be served by the project, critical service providers. The covenant will be enforced by the Housing Trust. The Hughes Charitable Trust will not dictate who will live in the homes, just the organizations whose staff would qualify.

#### **PUBLIC COMMENT:**

John Goettler – St John’s Health Foundation – We start and end every one of our meetings talking about affordable housing. You have a remarkable gift of 13 acres. Plus, a remarkable gift from Wayne and Molly Hughes; we have got to think differently and get roofs over heads.

Patti Boyd, Executive Director, Children’s Learning Center – Each and every organization is struggling to recruit staff. Three of our teachers just lost their housing. Two just had their rent doubled. These are those we call on when we need assistance. They are committed people to our community. These people have families and don’t need an apartment but need a single family home.

Birte Hirschfield, Jackson Hole Community Housing Trust (Chair) – Extreme need for essential workers. The Jackson Hole Community Housing Trust is sound, they are on budget.

Kate Binger – I own design firm ‘Dwelling’. I straddle the two words of working middle class and wealthy residents. Working class needs the basics life necessities to live here. The wealthy depend on the working class for their amenities. The exhaustion and frustration I witness on a daily basis from workforce and wealthy residents over the lack of labor is glaring. Sense of community is crucial. The finances that support our community will diminish without the support of the labor force.

Wesley Murdock – We own land across the road from this site. It is important to look at this with a keen and educated eye. This is a great opportunity to live here. This could be a great benefit to community or a big ecological disaster. Developing this site is not going to help water quality. If you stand on this site, you can throw a rock into Horse Creek or the Snake River. It's going to take a really good wastewater plant to treat the water that is right next to Horse Creek. To protect health, safety and welfare of the community, look at the water supply. It's our biggest issue. The quality and quantity of the well is not enough for 25 houses. If the aquifer drops, others will need to drill new wells. We constantly have power outages, and it will only get worse with more residents. Implore you to control density, 25 units is way too many houses for this site.

Nicole Walker – We don't have the water we need. If the aquifer drops, you need to spend \$100,000 to drill a new well. But wastewater needs to be serious.

Deb Bentlage – Live about 800 feet north of this rezoning. My well is 35 feet deep. It's been there since 1972. Water is a concern. Neighbor put in a wastewater system at the RV park; I now have poop smell constantly. If this wastewater system is not sufficient it will smell constantly. I used to smell pine trees. We do need affordable housing, but there are too many people being put on that site. Water comes out of Horse Creek comes from feed grounds. I check water quality frequently. I would be shocked if they did not have nitrates in the water. Concern about number of people entering the highway in this location. This will increase the chance of accidents. Line of sight and road speeds are not good. We need housing, but not that many.

Jim Anderson – I live nearby, water is the problem. Folks we bought from had to punch three wells to get one with water. Sometimes I count 30 cars passing before I can exit onto highway. I know we need housing; I have employees struggling too.

Jessica Jaubert – Voice my support for this important housing project. Each of these organizations has come to the County to explain how the lack of housing is hurting their organizations. Lack of housing is hurting other overall health of our community. Housing Trust has history of addressing issues of their development. I hope you will work with applicant to move the project forward.

Muromcew – Asked the applicant to discuss the water quality and water supply issues at this site.

Reed Armijo, Civil Engineer with Jorgensen Engineering, – We acknowledge legitimate concerns about water quality. We have done water quality testing. All testing measure come in below EPA standards, including nitrates. We will probably need to drill a new well, its about 70 feet deep. To be reviewed by the DEQ. We identified the area where basic treatment will be required and for advanced treatment, which will require rigorous study, design and treatment and annual testing and reporting to the DEQ. We have been in contact with Engineering office and Conservation District. We will have a hydrogeologist relating to water supply.

Muromcew – What is treatment of water with high nitrates? Is it osmosis or other filtration?

Armijo – Osmosis, and a few other systems, depending on the volume. Teton County Engineer and Sanitarian will review and permit all wastewater systems. These will get additional review by state DEQ. We have done research to know there are treatment options. Where we looked at siting is within the heart of the project, and there are requirements on setbacks from other wells.

Muromcew - Is deep water injection one of the options?

Armijo - We will consider array of how deep the discharge occurs. There are technologies that are appropriate.

**PC DISCUSSION:**

Viehman – I understand and appreciate the constraints the staff have to work within. It’s hard for me to go down the path of water and traffic at this time. In other communities, people are taking wastewater and turning it to drinking water. For me, this is a rezone. The rest of the details come after the fact. Its not appropriate to get into too much detail tonight. I agree with conditional zoning. Is it correct that if this does not work out, this property could be returned to an R-3 zone? Can we restrict square footage on this site?

Gingery – Staff has some suggested conditions of the rezoning.

Viehman – I can’t imagine the traffic would be more than the A-OK Corral. Also, the Comp Plan is a guide for us. I support this project with conditional zoning.

Lurie – Proposal is absolutely compelling. I have experienced what a lack of affordable housing in this community means. I am well aware of the need for affordable housing. Existing neighborhoods need to have predictability in land use planning. I believe there was a recent case on spot zoning, the HRH case.

Gingery – Reviewed some of the issues at the HRH case. That case was more related to the relationship of the developer and the neighbors. A few years ago, the state legislature clarified not to use the Comp Plan as law but a guiding document. Comp Plan should be used to determine where zoning should be changed. Alison pointed out some other Comp Plan issues that support the application. You should look at the Comp Plan as a whole, not just one factor. With legislative applications, you have a little more wiggle room.

Muromcew – I see this as a zoning change. On workforce housing, we need to protect the county to ensure the intention is carrying through. This will be a challenge for the Housing Trust. I see a lot of this detail waiting until we see a Development Plan. Asked for staff input of the developable area.

Rooney – Staff does not have a recommendation on number of units or overall amount of development. Staff can support restricting the use of the site to residential.

Muromcew – We are limited in what we can do on traffic issues. I suggest a motion with two restrictions. The deed restriction must be recorded before the zoning goes into effect, and the use should be restricted to only residential.

**MOTION:** Viehman (Approve), with two conditions:

1. This Zoning Map Amendment shall not become effective until a deed restriction has been recorded on the subject parcel with the Teton County Clerk, after approval from the Jackson/Teton County Affordable Housing Department, requiring that a deed restriction administered by the Jackson Hole Community Housing Trust to ensure perpetual Teton County workforce occupancy be recorded on 100% of future subdivided lots.
2. This Zoning Map Amendment shall not become effective until a deed restriction has been recorded on the subject parcel with the Teton County Clerk limiting use of the site to detached single-family residential.

**SECONDED:** Muromcew

**VOTE:** The vote showed 2 in favor. One opposed. The motion Passed (Lurie opposed)

**Permit:** [DEV2022-0001 – Staff Report](#)  
**Applicant:** TETON PINES LIMITED LIABILITY COMPANY  
**Presenter:** Chandler Windom  
**Request:** A Development Permit pursuant to Section 8.3.2 of the Teton County Land Development Regulations (LDRs) to Amend DEV2020-0005 for the Teton Pines activity barn.  
**Location:** 3450 Clubhouse Drive is located within the Teton Pines Commercial Area on Lot 2 Jackson Hole Racquet Club Resort Commercial Area 3rd Amendment. This property is immediately east of the Teton Pines Golf Course and west of State Hwy 390. The lot is zoned Planned Unit Development-Neighborhood Conservation (PUD-NC) and is partially within the Natural Resource Overlay.

**STAFF PRESENTATION:**

Chandler Windom described the application to amend an approved Development Permit for the Teton Pines activity barn. She described the location and zoning of the property. She provided background on the site and the PUD for this property, and the existing uses for the site. She described the previous Development Permit, DEV2020-0005, and the improvements that were approved to be constructed. Some changes to the size and design of the Activity Barn, and now 9,782 sq. ft is proposed at the Activity Barn, increased from previous approval. No changes are proposed to the types of uses. She described the EA exemption for the site within the NRO. The amendment will have little change in the footprint of the development, but some modifications proposed to the hardscape. There is not maximum floor area for commercial uses. The percent of impervious surface will be reduced.

She described the previous Development Plan proposal which included pickleball courts at one time. The raised courts were removed from the plan, as was the additional lighting. Noise maximum is 55 dB as measured at the property line. Per the LDRs, we must focus only on what is proposed for amendment, which is just the activity barn changes. Windom reviewed the Independent Calculation for affordable housing mitigation. This proposal will put the applicant over the one-unit cutoff between developing a unit and providing a fee-in-lieu. There is not a realistic opportunity to develop housing at this site. The fee is due at time of Building Permit issuance.

Windom explained that staff can make all of the required findings for the Development Plan as identified in the LDRs. Staff recommends approval with one condition.

Muromcew – How much additional habitable space is proposed?

Windom – Habitable floor area will not change significantly, but overall size will increase due to added non-habitable space.

**APPLICANT PRESENTATION:**

George Putman, Agent – Cirque Consulting – We are here to answer any questions. The footprint of the building will change. There was further refinement of the design over the past year. Some refinement to the kitchen area to accommodate the scale of service needed. Support spa services increased and more area for stairs.

**PUBLIC COMMENT:**

Tom Doerr, Aspen Management – You stated there would not be any pickleball, but will existing tennis courts be re-purposed?

**PC DISCUSSION:**

Agent, George Putnam – A year ago we had a permit for pickleball and tennis courts, which was removed from the application. Teton Pines is aware of the concerns with their tennis operation.

Gingery – The pickleball courts were removed from the application. Neighbors are concerned about the conversion of existing tennis courts into pickleball courts due to the noise.

Muromcew – My understanding is that repainting the tennis courts for use as pickleball is not an issue for the Teton County Planning Commission.

Windom- Correct, that is not a component of this application.

Lurie – No questions

Viehman – No comment or questions

**MOTION:** Viehman (to Approve) with one condition:

1. An affordable housing fee-in-lieu shall be paid to Teton County by the applicant prior to issuance of a building permit in accordance with the housing mitigation plan provided in the application.

**SECONDED:** Muromcew

**VOTE:** The vote showed 3 in favor. None opposed. The motion Passed

**MATTERS FROM COMMISSION  
AGENDA FOLLOWUP**

**MATTERS FROM STAFF** – Director Neubecker indicated that the BCC reviewed the Indicator Report and approved the Work Plan, with one addition relating to wildfire issues. He reminded the Commission about the Northern South Park Neighborhood Plan, available for public review on the Long-Range Planning website, JacksonTetonPlan.com.

**ADJOURNMENT**

A motion for adjournment was made by Viehman and Muromcew seconded. The meeting was adjourned at 8:20 p.m.

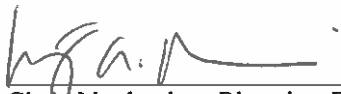
Respectfully submitted: ht



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Alex Muromcew, Chair

ATTEST:



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Chris Neubecker, Planning Director

- Digital recording on file-